

# United States District Court Southern District of Texas

Case Number: 03mc386

## ATTACHMENT

Description:

☐ State Court Record      ☒ State Court Record Continued

☐ Administrative Record

☒ Document continued - Part 151 of \_\_\_\_\_

☐ Exhibit to: \_\_\_\_\_  
number(s) / letter(s) \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1 A I'm going to testify that he did it.  
2 Q But you didn't see it? You didn't see  
3 it happen, did you? Yes or no?  
4 A No.  
5 Q Because you were running down the street  
6 when you hear shots, aren't you? Isn't  
7 that correct?  
8 A No, I'm in the yard. I'm in the yard.  
9 I'm in the yard. I'm running behind the  
10 house when I hear the shots.  
11 Q Whose yard were you in?  
12 A Debra Gardner's yard.  
13 Q Using the diagram, can you show us where  
14 you were, Mr. Ebnezer? This is the  
15 sliding patio doors in the back yard.  
16 A Right there.  
17 Q This way?  
18 A Right there at the corner of the house  
19 when I heard the gunshots.  
20 Q How many shots did you hear?  
21 A About two or three. At that point I  
22 wasn't trying to count them.  
23 Q So you can't say?  
24 A I can say it was more than one that I  
25 heard.

1 Q Did they sound different like from  
2 different guns?

3 A They were gunshots. I'm not listening  
4 to the sounds of it.

5 Q There are people who can distinguish  
6 between a shotgun and a rifle. Can you  
7 do that?

8 A I can distinguish between a shotgun and  
9 an automatic.

10 Q You think what? I'm sorry. I didn't  
11 hear you.

12 A I can distinguish between a shotgun and  
13 an automatic weapon.

14 Q Could you distinguish between a .12  
15 gauge shotgun blast and a .22 rifle  
16 shot?

17 A Well, a .12 gauge could be a lot louder  
18 than a .22.

19 Q So what did you hear?

20 A I'm outside. I'm outside.

21 Q So you couldn't tell?

22 A No, I couldn't.

23 Q Now, when you tried to find some help by  
24 knocking on some doors, you said you  
25 watched Debra run out towards the street

1 from your angle; is that correct?

2 A Right.

3 Q When you were looking at her, were you  
4 down the street this way or were you  
5 down the street that way? Were you to  
6 the left or to the right?

7 A I was here.

8 Q Down here? This is where you were?

9 A Yes. I saw Debra come out the driveway  
10 and come out here. When I was headed  
11 down the sidewalk, Debra was already out  
12 in the middle of the street.

13 Q And you watched her for awhile but then  
14 you resumed trying to knock on doors,  
15 right?

16 A Right.

17 Q Did you ever see Duane Buck before you  
18 started knocking on the doors?

19 A I seen him as I was coming around the  
20 house headed down the sidewalk. I seen  
21 him coming out the street after Debra.

22 Q Behind her? Going towards her?

23 A Towards her.

24 Q Where was he walking? Was he walking on  
25 the sidewalk, the driveway?

1           A     He was walking out of her driveway.  
2           Q     Could you see him from that angle?  
3           A     Yes, I could.  
4           Q     What did he have in his hand?  
5           A     A rifle, I guess.  
6           Q     You guess?  
7           A     One of the rifles.  
8           Q     Are you guessing?  
9           A     No, I'm positive.  
10          Q     How far were you from Debra's house?  
11                How many houses down?  
12          A     I wasn't no more than two or three  
13                houses down when I seen him go out in  
14                the street.  
15          Q     You don't know what he had, do you?  
16          A     He had one of the rifles in his hand.  
17          Q     Did you see any of the children  
18                following right behind him?  
19          A     No, I wasn't paying attention.  
20          Q     Did you see any of the children jump on  
21                Duane Buck's back and try to plead with  
22                him not to do anything?  
23          A     No, I didn't.  
24          Q     So you must have been so far away at  
25                this point that you didn't hear the

1 shots, or were you just scared? You  
2 didn't hear the shot that must have  
3 taken down Debra Gardner in the street?  
4 A When you got somebody that's pointing a  
5 gun at you and trying to shoot, you're  
6 really not worried about listening to no  
7 shots.  
8 Q Do you know if Debra Gardner got shot  
9 inside the house or --  
10 A She got shot in the middle of the  
11 street.  
12 Q Let me finish my question. Do you know  
13 from your own personal knowledge, from  
14 what you saw, whether Ms. Gardner got  
15 shot in the house, sidewalk, or out in  
16 the street? Of your own personal  
17 knowledge, from what you saw, you don't  
18 know where she was shot, do you?  
19 A She was shot in the middle of the  
20 street.  
21 Q Did you see that or not? Did you hear  
22 that or not? Yes or no? Did you see it  
23 happen?  
24 A No.  
25 Q Did you hear it happen?

1           A     No.

2           Q     You're basing your opinion on what  
3                 somebody else told you, aren't you?

4           A     No, I'm not.

5           Q     When you go bang on some doors and you  
6                 tell some people to do something, and  
7                 then you go back down towards the house,  
8                 that's when you see the Harris County  
9                 Sheriff's Deputy drive up?

10          A     Yes.

11          Q     Mr. McGinty, do you remember seeing him?

12          A     I don't remember his name.

13          Q     Did you see him here today?

14          A     I don't see him, no.

15          Q     Duane Buck is still out in the front  
16                 yard or in the street area or around  
17                 this white car, right? Where was Duane  
18                 Buck? Was he out in front of the house  
19                 when the deputy drove up?

20          A     No. I don't know. No. I don't know  
21                 where he was when the deputy drove up  
22                 because I was around the corner knocking  
23                 on the doors. Whenever I came around  
24                 the corner, the officer was standing  
25                 over him.

1 Q That was right outside the house?  
2 A No, sir, it was like down the street.  
3 Q How many houses and which way?  
4 A It was the way that I ran, and it  
5 couldn't have been no more than two or  
6 three houses down.  
7 Q Towards the direction you ran?  
8 A Yes.  
9 Q You don't know how he got down there?  
10 A Where?  
11 Q Where the officer arrested him?  
12 A No, I don't know how he got there.  
13 Q Do you remember running behind Duane  
14 Buck telling the police officer out  
15 there that he was the one that did it,  
16 that he was the one that shot her?  
17 A I wasn't running behind him.  
18 Q That wasn't you?  
19 A No.  
20 Q I just wanted to know if it was you or  
21 not.  
22 A No.  
23 Q Do you recall giving a statement to the  
24 police, a written statement, the next  
25 afternoon where you told the police



1 officer that Duane was still holding a  
2 shotgun in his hand when he went out  
3 there towards Debra in the street?

4 A Yes, sir.

5 Q But today you told us you don't know  
6 which one of the guns it was or what  
7 kind of gun it was, correct?

8 A I thought I told you the rifle.

9 Q You said you didn't know which one.

10 A Which one out of these two.

11 Q Which one out of these two do you think  
12 Mr. Buck was holding?

13 A I don't know.

14 Q You told the police that he was holding  
15 a shotgun. Was that the truth or not?

16 A It must be the shotgun. It must have  
17 been the shotgun. You know, when you  
18 are looking at those rifles, when you're  
19 sitting up there and you got a rifle  
20 pointed in your face and you're trying  
21 to get away from it, you know, you ain't  
22 got time to be looking at it and seeing  
23 what kind of rifle it is. You're just  
24 wanting to get out of the way.

25 Q I'm talking about when you are running

1 down the street and what you saw.

2 A I saw Duane Buck going towards Debra  
3 with a shotgun in his hand. It wasn't  
4 no pistol. I betcha that.

5 Q When you were approaching the officer  
6 and Duane Buck was on the ground, you  
7 started telling the police: "That's  
8 him. That's him." Is that what you  
9 told the police?

10 A I told him he was the shooter because  
11 the officer was shouting to one of the  
12 kids and asking the kids if he was the  
13 shooter. I told the officer he was the  
14 one.

15 Q You answered for the kids even though  
16 you hadn't seen him shoot anybody; is  
17 that correct?

18 A I answered because the lawman was  
19 asking, the officer was asking.

20 Q But you hadn't seen Buck shoot anyone  
21 but you tell the officer at the most  
22 critical time that he was the shooter.

23 A He was. There wasn't nobody else.  
24 There wasn't nobody else. He come and  
25 kicked the door in alone. He didn't

1 bring nobody with him. So who else is  
2 it going to be?

3 Q You were there.

4 A So you're telling me I'm going to shoot  
5 my own brother?

6 Q No, I'm not telling you that, Mr.  
7 Ebenezer. You don't need to argue with  
8 me.

9 When you told the Deputy that he  
10 was the shooter, what did the officer do  
11 with him?

12 A Put him in the car. He handcuffed him  
13 and put him in the car.

14 Q And then you went to check on your  
15 brother and Phyllis?

16 A Yes.

17 Q How long did you leave before you came  
18 back out to the Sheriff's Deputy's car?  
19 Do you remember that?

20 A No, I can't.

21 Q Well, it was long enough, I guess, for  
22 you to check on Phyllis and long enough  
23 to check on your brother, and then did  
24 you do anything else before you went  
25 back out?

1           A     I didn't get to check on my brother  
2                   because the officer was the one that  
3                   asked me to step out because he didn't  
4                   want nothing tampered with in the house.  
5           Q     So you stepped back outside?  
6           A     Yes.  
7           Q     Where did you go?  
8           A     He asked me to step outside so I stood  
9                   there by the car for awhile, by the  
10                  officer's car.  
11          Q     The car with Duane Buck in it?  
12          A     Yes.  
13          Q     That's when you started to get extremely  
14                  angry and started threatening Duane Buck  
15                  in the police car, isn't it?  
16          A     Excuse me?  
17          Q     You heard me. Can you answer the  
18                  question? You start threatening Duane  
19                  Buck in the police car or not?  
20          A     I told Duane Buck just like it is, that  
21                  I was going to have the last laugh.  
22                  That don't sound like a threat to me.  
23          Q     So you were going to have the last  
24                  laugh. I guess he laughed with you?  
25          A     No, no. He was already laughing, sir.

1           He was already laughing like it was a  
2           joke. He done killed two people and he  
3           want to laugh about it like it was a  
4           joke.

5           Q    You didn't tell the police that he was  
6                already laughing and you didn't --

7           A    The officers seen him laughing.

8           Q    Let me finish my question. You didn't  
9                tell the police officers that you made  
10               the statement that you were going to  
11               have the last laugh, did you?

12          A    They didn't ask me.

13          Q    How many officers were out there when  
14                you had this exchange and said you were  
15                going to have the last laugh?

16          A    I don't know.

17          Q    Which officers were out there and saw  
18                this?

19          A    Saw what?

20          Q    Saw you say that you were going to have  
21                the last laugh.

22          A    I did not say one officer saw me say  
23                that. I did not say that.

24          Q    So no officer saw that; is that what  
25                you're saying? What's your answer?

1 MS. HUFFMAN: I would  
2 object to him arguing with the  
3 witness. He never said any  
4 officer said that.

5 MR. EASTERLING: Yes, he  
6 said that.

7 THE COURT: Your question  
8 is confusing. Rephrase your  
9 statement.

10

11 BY MR. EASTERLING:

12 Q Isn't it the same officer that was out  
13 there and handcuffed him and had the gun  
14 on him? That's the same one, isn't it?

15 A The same one what?

16 Q The same one that you told that he was  
17 the shooter, the same officer that  
18 handcuffed Duane Buck. That's the same  
19 officer that was out there. That was  
20 his patrol car, wasn't it?

21 A That was his patrol car, yes.

22 Q And he was out there when you say this  
23 laughing was going on; is that correct?

24 A Yes, he was out there.

25 Q So he must have saw what was going on?



1           A     I don't know what he saw.  He was  
2                   checking on other people and seeing what  
3                   was going on.  I don't know what the  
4                   officer saw.  I don't have his eyes.  
5           Q     How close was the officer to you?  
6           A     I don't remember.  
7           Q     When this laughing exchange took place  
8                   with Mr. Buck?  
9           A     I don't remember.  
10          Q     So you've been convicted of the felony  
11                of aggravated assault somewhere back in  
12                1991, right?  
13          A     Right.  
14          Q     That was a crime of violence, wasn't it?  
15                         MS. HUFFMAN:  I would  
16                         object.  That's improper  
17                         impeachment.  
18                         THE COURT:  Sustained.  
19                         MR. EASTERLING:  Pass the  
20                         witness, Your Honor.  
21                         MS. HUFFMAN:  No further  
22                         questions, Your Honor.  
23                         (At this time the witness  
24                         is excused from the  
25                         courtroom.)



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REBECCA SHAW

was called as a witness by the State and,  
having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. HOOD:

Q Would you please state your name?

A Rebecca Shaw.

Q How are you employed?

A The Harris County Sheriff's Department.

Q What is your assignment?

A Patrol, District 4.

Q What does a patrol officer do?

A Routine patrol duties, answer calls for  
police service.

Q How long have you been with the  
Sheriff's Department?

A Twelve years.

Q Did you respond to a call on July 30,  
1995 at 7327 Puerta Vallarta?

A Yes, ma'am, I did.

Q What time did you receive the call?

A I received the call right at about 4:30.  
That's when the dispatcher gave me the  
call.

1 Q What had you been doing?

2 A I was taking a burglary report. I was

3 out of the car.

4 Q The call came out before you actually

5 heard it, right?

6 A Yes, ma'am.

7 Q Once you heard the call and the

8 dispatch, what did you do?

9 A I went directly to that location.

10 Q When you arrived, did you speak with

11 anyone?

12 A Yes, ma'am, I spoke with Ms. Gardner.

13 Q How long did it take you to get there

14 from the time you heard the call?

15 A A little over five minutes.

16 Q Did you have the opportunity to review

17 your report?

18 A Yes, ma'am.

19 Q Do you know what time the call came in?

20 A Looking at it, it was about twenty-nine

21 minutes before I made it there. It was

22 about thirty minutes before I got to the

23 location.

24 Q So what time did you get to the

25 location?

1           A     I don't know exactly the time.

2           Q     Approximately?

3           A     Around 4:30.

4           Q     So you arrived at 7327 Puerta Vallarta

5                 at about 4:30 and the call must have

6                 come in about 4:00 o'clock?

7           A     Yes.

8           Q     Upon arrival you spoke with Debra

9                 Gardner?

10          A     Yes.

11          Q     What was her demeanor?

12          A     When I first arrived at the location she

13                 was standing outside with a black male

14                 gentleman. I was trying to ascertain

15                 maybe if he could have been the suspect.

16          Q     Did you find out whether he was or not?

17          A     She told me he didn't have anything to

18                 do with it, that it had been her

19                 ex-boyfriend, and she asked him to go in

20                 the house because she said he didn't

21                 have anything to do with what had

22                 occurred earlier.

23          Q     Did she tell you how long they had been

24                 exes?

25          A     She said about a week.

1 Q Did she tell you, or did you learn from  
2 your investigation if the suspect  
3 arrived at the scene in some type of  
4 vehicle?

5 A Yes, ma'am. She said he was driving a  
6 wrecker.

7 Q Did you have the opportunity -- let me  
8 ask you this. What kind of lighting  
9 were you using to conduct this interview  
10 in?

11 A It was dark outside. I had a  
12 flashlight, but there was very little  
13 light outside.

14 Q Did you have the opportunity to take a  
15 look at Ms. Gardner?

16 A Yes, I did.

17 Q What observation did you make?

18 A She said she had been hit on the side of  
19 the face so I just put my flashlight up.  
20 One of her eyes appeared to be kind of  
21 watery but I didn't see any swelling or  
22 discoloration or anything at that time.

23 Q I'm showing you State's No. 2 which has  
24 already been admitted in evidence. Can  
25 you identify it?

1           A     Yes, ma'am.

2           Q     What is it?

3           A     This is the house.

4           Q     What is State's No. 8?

5           A     That would be the front entry.

6           Q     State's Exhibit No. 9, would you please  
7                 describe what you see?

8           A     Yes, ma'am. It appears to be the front  
9                 door. It was metal. There was a mark  
10                right underneath the deadbolt. That  
11                mark was there when I was there. It  
12                looked like a footprint to me. The  
13                other damage, the heavy damage to the  
14                deadbolt, that wasn't there.

15          Q     Now, the mark that you're referring to  
16                 in the picture is to the left of the  
17                 door handle?

18          A     Yes.

19          Q     You're saying that mark was there when  
20                 you arrived?

21          A     Yes.

22          Q     And it looked like what to you?

23          A     A footprint.

24                         MS. HOOD: Pass the  
25                         witness.

1 CROSS-EXAMINATION

2 BY MR. GUERINOT:

3 Q Good afternoon, Ms. Shaw.

4 At the time you got to this  
5 location and there were two people  
6 standing outside, did you ascertain who  
7 the other person was standing with  
8 Debra?

9 A No. When I went to speak to her, I was  
10 going to question him or speak to him  
11 but she just told me that he was not the  
12 one, that he didn't have anything to do  
13 with it, and she asked him to go into  
14 the house.

15 Q Would you recognize that male that was  
16 standing outside if he were here today?

17 A I don't believe I would.

18 Q I think you said that Debra told you  
19 that the defendant showed up, Mr. Buck  
20 showed up in a wrecker; is that correct?

21 A She said that's what he was driving.

22 Q Did she also relate that he had gotten a  
23 few things out of the house that  
24 belonged to him?

25 A She did not.

1 Q Did she just say that he had come over  
2 there and they had an argument and he  
3 eventually left; is that right?

4 A Yes, more or less. She said that he  
5 forced his way into the house, and  
6 during their conversation that he had  
7 hit her and then he left.

8 Q Did she tell you how long he had been  
9 there at the house that night?

10 A She told me that when she made the call,  
11 which would have been around 4:00  
12 o'clock, he had been there for a short  
13 while and that he left maybe ten minutes  
14 before I got there at 4:30.

15 Q Is there anything of importance we ought  
16 to know about that incident there that  
17 you haven't already responded to?

18 A In what respect?

19 Q Any respect. Did it sound like a  
20 boyfriend-girlfriend argument and then  
21 he left?

22 A Well, I was concerned because she had  
23 been assaulted. I tried to find out  
24 what their relationship was. In that  
25 respect I was trying to see if I might

1                   be able to get a to-be warrant on what  
2                   had happened.

3           Q     Did she ask you to file charges on him?

4           A     No, she didn't.

5           Q     Did she act like she wanted to press  
6                   charges against Mr. Buck?

7                               MS. HOOD: That calls for  
8                               speculation. I would object.

9                               THE COURT: Sustained.

10

11           BY MR. GUERINOT:

12           Q     Did she tell you that she wanted to  
13                   press charges on Mr. Buck?

14           A     No, sir, she didn't.

15           Q     Well, you had the name of the person,  
16                   had the complainant there, but she never  
17                   asked to file charges; is that correct?

18           A     Right.

19                               MR. GUERINOT: No further  
20                               questions.

21                               MS. HOOD: Nothing  
22                               further.

23

24                               (At this time the witness  
25                               is excused from the



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courtroom.)

LISA DODSON

was called as a witness by the State and,  
having been duly sworn, testified as follows:

RECROSS-EXAMINATION

BY MS. HUFFMAN:

Q Please state your name to the jury.

A Lisa Dodson.

Q How are you employed?

A I'm employed as a 911 Coordinator for  
the Harris County Sheriff's Department.

Q What are your duties as a 911  
Coordinator?

A I maintain all the 911 equipment and  
make sure that it's run properly. I  
also maintain records related to 911  
calls.

Q Can you tell the jury what the 911  
system is and what it does?

A Actually, it's an automated system.  
When you dial 911, the call comes in to  
us and it automatically displays the

1 phone number and the address of the  
2 person that's placing the call. From  
3 that point they tell us whether they  
4 need the fire, medical or police, and at  
5 a touch of the button it transfers the  
6 call to that agency based on what  
7 location they're calling from.

8 Q Are the calls recorded?

9 A They are.

10 Q Are they automatically recorded?

11 A Yes.

12 Q Each and every conversation called into  
13 911 is recorded?

14 A Yes.

15 Q How are those records preserved? How do  
16 you keep those records? How do you keep  
17 those call records?

18 A They're stored on a ten and a half by  
19 one-inch reel-to-reel tape. They're  
20 rotated out on like a forty-five day  
21 basis, or if somebody places a hold on a  
22 tape, then it's kept indefinitely until  
23 the hold is released.

24 Q Are those records kept in the regular  
25 course of business at the 911 Center?

1           A     Yes, they are.

2           Q     Are the entries made at the time the  
3                 calls are received from the caller?

4           A     They're made simultaneously, yes.

5           Q     Obviously, the person receiving the call  
6                 has personal knowledge of the call; is  
7                 that correct?

8           A     Correct.

9           Q     After those calls are preserved on a  
10                reel-to-reel tape, what is done with  
11                those reel-to-reel tapes?

12          A     They're stored in a locked office.

13          Q     To your knowledge was there a hold  
14                placed on a phone call that had been  
15                made to 911 on July 30th of 1995 from a  
16                location at 7327 Puerta Vallarta here in  
17                Harris County, Texas?

18          A     Yes.

19          Q     Who made the request for 911 to preserve  
20                those calls?

21          A     Detective Leithner of the Sheriff's  
22                Department.

23          Q     Was that 911 information stored and  
24                preserved?

25          A     Yes.

1 Q How many calls were there in all? Do  
2 you know?

3 A There were a total of six calls, one  
4 being from the neighbor.

5 Q At some point were those calls turned  
6 over to Detective Leithner of the Harris  
7 County Sheriff's Department?

8 A A cassette copy of the tapes were.

9 Q Explain to me how that copy was made.

10 A The reel-to-tape was placed on a large  
11 play-back machine and it's dubbed off  
12 into a cassette.

13 Q Who makes those copies?

14 A I do.

15 Q Did you make that copy in this case?

16 A Yes.

17 Q Are you a competent operator of the  
18 machinery that takes the original from  
19 the big master reel-to-reel and  
20 transfers it to the cassette tape?

21 A Yes.

22 Q Did you operate the machinery  
23 competently that date?

24 A Yes.

25 Q Did you make a true and accurate copy of

1           the original and send it to Detective  
2           Leithner?

3       A     Yes.

4                       MS. HUFFMAN:   May I  
5                       approach the witness, Your  
6                       Honor?

7                       THE COURT:   Yes, ma'am.

8

9       BY MS. HUFFMAN:

10      Q     I'd ask you to look at State's No. 34.  
11            Can you identify State's 34?

12      A     Yes, I can.

13      Q     What is State's 34?

14      A     It's a cassette copy of the 911 call in  
15            that offense number and my initials.

16      Q     That's the copy that you made from the  
17            master reel-to-reel that was given to  
18            Detective Leithner of the Harris County  
19            Sheriff's Department?

20      A     Yes.

21      Q     Do you know when that copy was made?

22      A     I would say it was in a week of the date  
23            of the offense.

24      Q     Since that date have you had occasion to  
25            listen to another tape?   I'm going to



1 ask you to look at State's No. 33. Do  
2 you recognize State's 33?

3 A Yes.

4 Q What is State's 33?

5 A It's an exact duplicate of this cassette  
6 copy.

7 Q Except for missing at the end a couple  
8 of the neighbor's calls at the end?

9 A Yes.

10 Q Otherwise is it a true and accurate copy  
11 of the copy that you made from the  
12 original on State's 34?

13 A Yes.

14 Q On State's Exhibits 33 and 34, are you  
15 able to identify voices of the  
16 dispatchers that appear on the tape,  
17 that you can hear on the tape itself?

18 A Yes.

19 Q Are you able to identify the caller, the  
20 people who are calling in for help?

21 A Not by name.

22 Q Can you identify for us the voices of  
23 the dispatchers that are heard on these  
24 tapes and what agency they are  
25 affiliated with?

1           A     All the dispatchers are affiliated with  
2                   the Sheriff's Department.  There are  
3                   several names.

4           Q     Can you give us those names?

5           A     There are about six of them.  Sheryl  
6                   Hughes, Eloice Guillory, Tawana Pitman,  
7                   Teresa Jasper, Brad Mathis, Ada Neetz,  
8                   Anthony Jerack, and Wayne Alton (all  
9                   names phonetically spelled).

10          Q     Those people are all employees of the  
11                  Sheriff's Department?

12          A     Yes, they are.

13          Q     Is there anyone that appears from any  
14                  other agency?

15          A     There is one voice on the tape from the  
16                  Community Volunteer Fire Department.

17          Q     Do you know that person's name?

18          A     Not by name, no.

19          Q     Do you recognize that voice as being  
20                  that person?

21          A     He identified himself as being with the  
22                  Fire Department when the call was  
23                  transferred.

24          Q     Do you have any reason to doubt that was  
25                  not who that was?



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A No.

MS. HUFFMAN: Pass the  
witness, Your Honor.

MR. EASTERLING: No  
questions.

(At this time the witness  
is excused from the  
courtroom.)

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PHYLLIS TAYLOR

was called as a witness by the State and,  
having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. HUFFMAN:

Q Ma'am, please introduce yourself to the  
jury.

A Hi. My name is Phyllis Mary Taylor.

Q Ma'am, what is your age?

A I'm thirty.

Q Are you working right now?

A Not at the present time.

Q Are you married?

A No.

Q Do you have any children?

A Yes.

Q How many children do you have?

A Three.

Q What are their ages?

A At the present time they are three, ten,  
and eight.

Q Ms. Taylor, do you know the defendant,  
Duane Buck?

A Yes.

1 Q How do you know Duane Buck?

2 A He's my stepbrother.

3 Q Could you explain to the jury the family  
4 relationship so they understand?

5 A Well, I have a younger sister and  
6 brother and Duane and my younger sister  
7 and brother have the same father.

8 Q You consider him to be your brother?

9 A Yes.

10 Q Were you raised in that manner, as  
11 brother and sister?

12 A Yes.

13 Q Did you know Debra Gardner?

14 A Yes.

15 Q At the time of her death, how long had  
16 you known her?

17 A Approximately seven years.

18 Q What kind of relationship did you have  
19 with Debra?

20 A She was my best friend. She was more  
21 like a sister.

22 Q Do you know the relationship, if  
23 anything, that was between Debra Gardner  
24 and Duane Buck?

25 A Yes.

1 Q What kind of relationship did they have  
2 to your knowledge?

3 A To my account, one time they were a  
4 pretty good couple. They were breaking  
5 up and then they'd get together, break  
6 up and get together.

7 Q So it was an off and on relationship?

8 A Yes.

9 Q The week prior to Debra's death, what  
10 had happened in the relationship?

11 A Approximately two weeks before the  
12 incident they had broke up, separated.

13 Q Had you seen Duane Buck during that time  
14 period?

15 A Yes.

16 Q Where had you seen him?

17 A At my father's house.

18 Q Had you had a discussion with anybody  
19 about the break-up?

20 A Debra had phoned me and told me that.

21 MR. EASTERLING: I'd  
22 object to hearsay.

23 THE COURT: Sustained.

1 BY MS. HUFFMAN:

2 Q Without saying what Debra had said, what  
3 was your belief about the relationship  
4 at that time?

5 A That they were split up, because I knew  
6 Duane went back home to his father.

7 Q The night of July 29, 1995 and the early  
8 morning hours of July 30th of 1995,  
9 where were you that evening?

10 A I was with Debra, Harold, Kenneth, and  
11 Kenneth's sister and brother.

12 Q Where had you been?

13 A We had went to a game room.

14 Q Had you met up with them or some of the  
15 people before that?

16 A No, we actually met them at their house.

17 Q Had you been with Debra before that?

18 A No, I worked that day. I was at work.

19 Q Where were you working?

20 A I was working at Oshman's Super Store.

21 Q How did you get from Oshman's to the  
22 game room?

23 A Debra picked me up from work and we went  
24 to her house.

25 Q From her house where did you go?

1           A     From her house we went to Kenneth's  
2                    mother's house.  
3           Q     What happened there?  
4           A     That's when we all got together and went  
5                    to the game room.  
6           Q     Did you have your child with you that  
7                    night or any of your children before you  
8                    went to the game room?  
9           A     Before we went to the game room?  
10          Q     Yes.  
11          A     Yes.  
12          Q     Where did you leave your child?  
13          A     I had him at Debra's home.  
14          Q     Were there older children there to watch  
15                   the little ones?  
16          A     Yes.  
17          Q     When you were at the game room, do you  
18                   remember about how long you stayed at  
19                   the game room?  
20          A     About an hour.  
21          Q     What were you doing there?  
22          A     We played games, shot pool.  
23          Q     When you left the game room, where did  
24                   you go?  
25          A     We went to Debra's house.

1 Q Who all went to Debra's house?

2 A Me, Debra, Harold, Kenneth, and some of

3 the brothers and sisters was going to

4 meet us there at the house but they

5 never showed up.

6 Q What did you do once you got to Debra's

7 house?

8 A Our plans were to play cards, but we all

9 ate and then right after we finished

10 eating is the time when Duane came and

11 kicked the door in so we didn't get a

12 chance to play cards.

13 Q Where were you when you said Duane

14 kicked the door in?

15 A I was in the living room. I was going

16 to open the door but Debra for some

17 reason didn't want the door opened.

18 Q Did you know it was Duane at the door?

19 A Yes.

20 Q How did you know it was your brother?

21 A Because I could hear his voice. He was

22 screaming and hollering open the damn

23 door.

24 Q Was the door opened?

25 A No.

1 Q What did Debra do?

2 A She immediately picked up the phone and  
3 called 911.

4 Q What did you do?

5 A I went in the bedroom where she was.

6 Q Did you talk to her or listen to her?

7 A Yes.

8 Q At some point did you see your brother?

9 A After the door was kicked in.

10 Q Was the door kicked in right away, or  
11 how long did it take before the door got  
12 kicked in?

13 A Approximately, I guess, about seven  
14 minutes.

15 Q Once the door was kicked in, what  
16 happened?

17 A When the door was kicked in, we were in  
18 the bedroom, and he came in and asked  
19 what was going on. We said nothing.  
20 Then he started to jump on her.

21 Q On who?

22 A Debra.

23 Q What do you mean by jump on her?

24 A Fighting. He started fighting her,  
25 trying to fight her.



1 Q What was Debra doing?  
2 A Screaming and hollering on the phone  
3 with 911.  
4 Q Who else was in the room, if you recall,  
5 in that back bedroom, when Duane walked  
6 in and started hitting on Debra?  
7 A I know Harold was there. Me, Harold,  
8 and Debra.  
9 Q Did Debra hang up with 911 at some  
10 point, or do you know?  
11 A Well, when they started fighting I think  
12 she just dropped the phone.  
13 Q After they had this confrontation in the  
14 back bedroom, what happened next?  
15 A We all went to the living room because  
16 he was still fighting. We were trying  
17 to talk to him and tell him that he  
18 didn't make sense, but at that time the  
19 children had come out and I was telling  
20 him, you know, to try to calm himself  
21 down because there was no reason for him  
22 to jump on her because no one had did  
23 anything. The kids were screaming and  
24 hollering. I was telling him that the  
25 children didn't want to see their mother